



Venue for a habeas action is proper in either the district of confinement or the district of conviction. 28 U.S.C. A. § 2241 (d). However, it is preferable for petitions challenging a conviction or sentence to be heard in the district of conviction while petitions challenging the manner in which the sentence is being executed be heard in the district of confinement. Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989).

Ground Two of the amended petition challenges Petitioner's parole date, which deals with the manner in which his sentence is being executed; therefore, the claim should be heard in the district of confinement. Petitioner is confined at Kern Valley State Prison, which is in the Eastern District of California and under this Court's jurisdiction. This Court issued an order dismissing Ground Two on September 24, 2009, for failure to state a cognizable claim. (Doc. #22).

After Ground Two was dismissed, only Grounds One and Three remain, both of which challenge the underlying conviction from San Mateo County. San Mateo County is in the Northern District of California; therefore, the petition should be filed in the United States District Court for the Northern District of California. In the interest of justice, a federal court may transfer a case filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States District Court for the Northern District of California.

IT IS SO ORDERED.

**Dated: September 25, 2009**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE